IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION No.14355 of 2002

Between:

P.V. Sreenivasulu, S/o P. Venkatachalapathi,
Parameshwara Industries, Cheluru Road, Chintamany,
Kolar District, Karnataka State.

..... PETITIONER

AND

1 The Station House Officer, Pedda Tippa Samudram Police Station
Chittoor District.
2 The Joint Collector, Chittoor District,
Collectorate, Greemspet, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ order or direction more particularly in the nature of Writ of Mandamus declaring the action of the respondents in seizing 249 bags of Rice weighing 50kg each transporting in a Tusker Lorry 10 wheels bearing Registration No. AP-04-U-3365 on 14-7-2002 at Chennarayanipally Cross in Crime No.50/2002 of Pedda Tippa Samudram police Station under Section 7 (1) of Essential Commodities Act is illegal and without any authority of law and violative of Articles 20 & 21 of the Constitution of India and consequently direct the respondent to desist from initiating proceedings under Section. 6A and 7 of the Essential Commodities Act.

Counsel for the Petitioner: MR.D.VIJAYA CHANDRA REDDY

Counsel for the Respondents: GP FOR HOME

The Court made the following:

THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.14355 of 2002

ORDER:

The petitioner claims that he purchased 500 bags of rice (each bag weighing 50 Kgs.) from M/s.Lakshmi Tracing Company, Cheluru, Bagepally Taluq, Kolar District, Karnataka State. When he was transporting 249 bags of rice from Bagepally to Chintamani in Karnataka, the first respondent intercepted the lorry bearing No.AP-04-U-3365 belonging to one Lakshma Reddy, on an allegation that the rice being transported in the lorry is meant for 'food for work' programme being implemented by the Government of Andhra Pradesh. Challenging the seizure of rice, the present writ petition is filed.

This Court initially ordered notice after admitting the writ petition. As the respondents did not file any counter affidavit, this Court passed interim orders on 07.8.2002 in W.P.M.P.No.17937 of 2002 directing the respondents to release 249 bags of rice to the petitioner.

In the counter affidavit filed by the first respondent, it is stated that on 14.7.2002 at 2.00 P.M. at Cheluru to Chintamani road at Chendrayanpalle Cross, the first respondent along with the staff intercepted the lorry in question and arrested the driver and manager of rice. 420 bags of rice each weighing 50 Kgs. were also seized. A crime being Crime No.50 of 2002 under Section 7(1) of Essential Commodities Act, 1955 (the Act, for brevity) was registered against the arrested persons and they were produced before the Court of Judicial First Class Magistrate, Thamballapalle. The seized material was handed over to the Mandal Revenue Officer, Pedda Tippa Samudram, Chittoor District. It is alleged that the petitioner, by diverting rice meant for 'food for work' programme, has violated the provisions of the Act and Control Orders issued under Section 3 of the said Act. It is also stated that the first respondent submitted a report to the second respondent for initiating proceedings under Section 6-A of the Act.

Learned Counsel for the petitioner, Sri D.Vijayachandra Reddy, while denying various allegations made against the petitioner orally submits that pursuant to the orders of this Court, the rice seized was released.

In that view of the matter, instead of keeping the case pending, the second respondent is directed to dispose of the proceedings under Section 6-A of the Act

within a period of six weeks from the date of receipt of a copy of this order in accordance with law, if not already disposed of. The petitioner shall abide by the orders of the second respondent insofar as the seized stock is concerned.

The writ petition, with the above observations and directions, is disposed of. There shall be no order as to costs.

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(V.V.S.RAO,J)

23.06.2005

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To

1 The Station House Officer, Pedda Tippa Samudram Police Station
Chittoor District.
2 The Joint Collector, Chittoor District,
Collectorate, Greemspet, Chittoor District.

3 One CC to MR.VIJAYA CHANDRA REDDY

4 Two C.D. Copies.